



Entered on Docket
November 04, 2009

A handwritten signature in black ink, appearing to read "Linda B. Riegler", is written over a horizontal line.

Hon. Linda B. Riegler
United States Bankruptcy Judge

ROBERTSON & BENEVENTO
SAM BENEVENTO
Nevada Bar No. 003676
1945 East Warm Springs
Las Vegas NV 89119
702/433-2000
Attorney for Debtor(s)
generaldelivery@nevlawyers.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:) Case No. BKS-08-20818 LBR
MICHELLE DENIS) Chapter 13
Debtor(s).)
Hearing Date: October 29, 2009
Hearing Time: 2:30 pm

ORDER APPROVING LOAN MODIFICATION

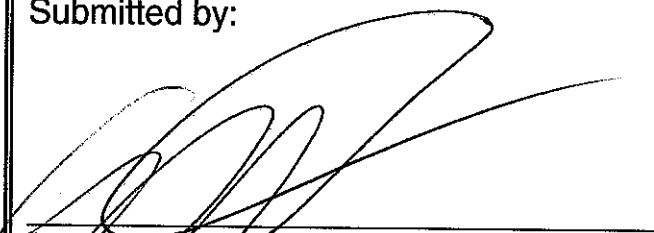
This matter having come on regularly for hearing on Debtors' Motion to
Approve Loan Modification as against Debtors' residential real property; good
cause appearing therefore,

ROBERTSON & BENEVENTO

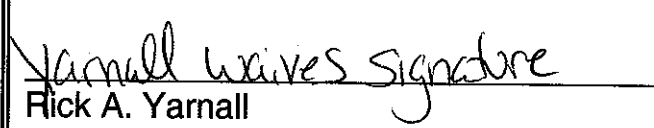
1945 East Warm Springs Road
Las Vegas, Nevada 89119
Tel: (702) 433-2000 Fax: (702) 269-8139

1 IT IS HEREBY ORDERED that Debtor is authorized to enter into the loan
2 modification agreement with America's Servicing Company substantially in
3 accordance with the terms set forth in Exhibit "A" attached hereto.
4

5 Submitted by:

6 
7
8 Sam Benevento
9 Attorney for Debtor
10

11 Approved as to form and content
12

13 
14 Rick A. Yarnall
15 Chapter 13 Trustee
16

17 In accordance with LR 9021, counsel submitting this document certifies as follows:
18

19 ☐ The court has waived the requirement of approval under LR 9021.

20 ☐ No parties appeared or filed written objections, and there is no trustee
appointed in the case.

21 ☒ I have delivered a copy of this proposed order to all counsel who appeared
at the hearing, any unrepresented parties who appeared at the hearing, and
22 any trustee appointed in this case, and each has approved or disapproved
the order, or failed to respond, as indicated below:
23

24 Trustee
25

26 ###
27
28

ROBERTSON & BENEVENTO

1945 East Warm Springs Road

Las Vegas, Nevada 89119

Tel: (702) 433-2000 Fax: (702) 269-8139



September 4, 2009

SAM BENEVENTO
 1945 E WARM SPRINGS RD
 HENDERSON NV 89119

NAME: MICHELLE DENIS
 CASE: 0820818
 LOAN: 1205301707

Dear Sir or Madam:

ASC previously obtained consent from your office to discuss workout options with the above referenced mortgagor(s). This letter is to advise that ASC is able to offer the mortgagors a plan that we hope is feasible and agreeable to both parties.

CURRENT TERMS	319	Proposed Modified Terms	319
Current UPB	295,997.80	Modified UPB	320,452.73
Current Maturity Date	04/01/2036	Modified Mortgage Term	04/01/2036
Current Interest Rate	7.125% (ARM)	Interest Rate	4.000% (FIX)
Current Payment Due Date	09/01/08	Post Modification Due Date	10/01/2009
Current P & I	1,757.49	Post Modification P & I	1,633.08
Current Payment Amount	2,017.37	Estimated Modified Payment amount	1,887.94
Amount Capitalizing	24,454.93	Contribution Required	4,782.51

Please review the proposal with your client. If the terms meet your approval as, in the best interest of your client, **proceed by filing a petition with the bankruptcy court to gain their consent to modify the first mortgage.** When written consent is obtained it should be forwarded to my attention. **Once received, we will generate the loan documents to you for original signatures.** ASC will then withdraw any proof of claim in this case and process, the modification as noted.

If the case has already closed, forward our office a copy of the release. If the terms are not satisfactory to you, please contact us and we will close the file with no further actions.

THE APPROVAL IS CONTINGENT ON COURT CONSENT OR RELEASE OF THE CASE.

With regards to a chapter 7 bankruptcy, due to the variance in requirements from district to district, ASC does not have a standard reaffirmation agreement to extend. If your client intends to reaffirm, please provide us with your district specific agreement. We will complete the required entries and return to your office for the required undue hardship analysis and filing with the respective court.

Please call me at the number listed below, should you have any questions.
I thank you for your time and support in this case.

SINCERELY,

DONALD JOHNSON

Cc: MICHELLE DENIS